

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2005-094159

05/02/2006

HONORABLE JO LYNN GENTRY-LEWIS

CLERK OF THE COURT  
L. Riley/D. Fisk  
Deputy

IN RE THE MATTER OF  
RYAN MICHAEL NIEMOLLER

FILED: 05/05/2006

RYAN MICHAEL NIEMOLLER  
1663 E GAIL DR  
CHANDLER AZ 85225

AND

RACHAEL MAE DIXON

RACHAEL MAE DIXON  
1520 W COMMERCE AVE  
GILBERT AZ 85233

SUPPORT SERVICES-CCC

TRIAL MINUTE ENTRY

Courtroom 302

1:24 p.m. This is the time set for Trial. Petitioner, Ryan Michael Niemoller, is present on his own behalf. Respondent, Rachael Mae Nixon, is present on her own behalf.

A record of the proceedings is made by For The Record (FTR) recording in lieu of a court reporter.

Discussion is held regarding the status of this case.

Ryan Michael Niemoller and Rachael Mae Nixon are sworn.

The parties state their agreements on the record.

Based upon the parties agreement,  
Docket Code 023

Form D000C

Page 1

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2005-094159

05/02/2006

**IT IS ORDERED** that the parties shall have joint legal custody of Alexis Paige Niemoller, born April 10, 2004.

**IT IS FURTHER ORDERED** adopting the recommendations, with the exception of Father's weekly parenting time, as set forth in the *Parenting Conference Report* dated March 29, 2006.

**IT IS FURTHER ORDERED** that Father shall have regular weekly parenting time access on alternating weekends beginning Friday at 5:00 p.m. and ending Sunday at 12:00 p.m. (noon). Father shall have parenting time every Monday beginning at 5:00 p.m. and ending Tuesday at 10:00 a.m.

**IT IS FURTHER ORDERED** adopting the agreement regarding the holiday parenting time schedule as set forth in the *Parenting Conference Report* dated March 29, 2006.

**LET THE RECORD REFLECT** that Father's parenting time is minimal at this point due to the child's age. However, at some point, Father's parenting time shall have to increase.

Discussion is held regarding the calculation of child support.

The Court notes that Father recognizes that Mother is uncomfortable with the amount of parenting time set forth in this order. Father's parenting time is, therefore, left to Mother's discretion. The parties realize as Mother's comfort level increases so will Father's parenting time. Therefore, the Court utilizes the number of parenting time days set forth in this order to calculate child support so that the parties do not have to keep coming to Court to seek modifications.

Based upon the information regarding the parties' incomes and expenses related to the child presented today, the Court has calculated child support.

**THE COURT FINDS** that Father has an accumulated arrearage from July 2005 to April 2006 totaling \$795.48. The Court calculated Father's child support for July 2005 through January 2006, and found that Father should have paid child support in the amount of \$113.64 per month. The Court had previously entered a child support amount in February 2006 of \$707.10 per month this shall be paid through April 2006. Effective May 1, 2006, Father's child support amount is calculated to be \$558.30.

**IT IS FURTHER ORDERED** that Father shall pay to Mother as support for the minor child of the parties \$659.98 per month consisting of \$558.30 as and for current child support, \$99.43 for payment on arrears, and \$2.25 Clearinghouse fee effective May 1, 2006. Effective January 1, 2007, Father's child support payments will resume at \$558.30 as and for current child support with the \$2.25 Clearinghouse fee.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2005-094159

05/02/2006

The Court enters an Order of Assignment as to **Father** for \$659.98 per month effective May 1, 2006, through December 31, 2006, and for \$560.55 effective January 1, 2007.

All support payments must be made payable to and sent to:

**SUPPORT PAYMENT CLEARINGHOUSE**  
**P.O. BOX 52107**  
**PHOENIX, ARIZONA 85072-2107**

Pursuant to A.R.S. 25-510(C), the Clerk of the Superior Court will no longer be processing child support or spousal maintenance payments.

Superior Court clerks will continue to provide customer service and payment information, and will have access to automated records of the Support Payment Clearinghouse.

Please note that the handling fee prescribed by A.R.S. 12-284 for support payments made by order of assignment was increased to \$2.25 monthly (\$27.00 annually) by legislation effective January 1, 1998. The handling fee also must be sent to the Support Payment Clearinghouse.

Arizona Revised Statutes Section 25-503(I) states that, with certain exceptions, an unpaid child support judgment that became a judgment by operation of law (this means that it became a judgment when it was due and unpaid) expires three years after the emancipation of the last remaining unemancipated child who was included in the court order unless it is reduced to a formal written judgment by the court. An Obligee must apply in writing to the court to obtain a formal written judgment.

Until the wage assignment becomes effective, it is the responsibility of the party obligated to pay support/maintenance to pay the support to **Support Payment Clearinghouse, P. O. Box 52107, Phoenix, Arizona 85072-2107**. The payment should show the case number and/or ATLAS case number and the name of the party paying support and the name of the party who will receive the payment. The payer should coordinate with the payroll office as to when documents will start. The Support Payment Clearinghouse is not responsible for returning overpayments.

If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within ten (10) days of the change (A.R.S. 25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2005-094159

05/02/2006

Obligor is personally responsible for the timely payment of support as well as the monthly handling fee. At any time an employer and/or payor is not paying pursuant to the Order of Assignment, Obligor must make timely payment of support and fees directly to the Support Payment Clearinghouse. Failure to make timely payment of support may result in a finding of contempt which may result in sanctions, including incarceration.

Mother indicates that she has a wedding on September 23, 2006,

**IT IS THEREFORE ORDERED** that Mother shall have Alexis on the weekend of September 23, 2006. If that weekend happens to be Father's weekend for parenting time then Father shall have make up parenting time at a later date for that weekend.

**IT IS FURTHER ORDERED** that within two weeks of Father moving into his new residence, he shall notify Mother so she can hire someone to inspect Father's new residence to make sure that it is child proofed.

2:33 p.m. Matter concludes.

**PLEASE NOTE: IMPORTANT INFORMATION RE: CD/VIDEOTAPE  
FEE CURRENTLY IN EFFECT**

This Courtroom uses an electronic recording system for the record. All CDs and videotapes will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the JAVS and FTR courtrooms.

If a party wants a court reporter to record a proceeding in this Court, a written request must be filed at least 48 hours before the commencement of the proceedings.

A person requesting a daily copy CD or videotape must complete the appropriate request form and pay the applicable fee at the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD or videotape in the customary manner.

A person wanting a copy of a hearing from a previous occasion must contact Ken Crenshaw at 602-506-7100.

**NOTICE:** A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2005-094159

05/02/2006

of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

**In the event that the parties have any difficulties interpreting, enforcing or otherwise complying with provisions of this Order, they shall first seek mediation through Conciliation Services or some other qualified mediator of their mutual selection to attempt to reach agreement prior to seeking Court intervention.**

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.